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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

DATA SCAPE LIMITED, 　　　　　　　Plaintiff, 　　vs. CITRIX SYSTEM, INC., 　　　　　　　Defendant.	Case No. 2:18-cv-10658 **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Data Scape Limited ("Plaintiff," "Data Scape") makes the following allegations against Defendant Citrix System, Inc. ("Defendant" or "Citrix"):

PARTIES

1.   Data Scape is a company organized under the laws of Ireland with its office located at Office 115, 4-5 Burton Hall Road, Sandyford, Dublin 18, Ireland.

2.   On information and belief, Defendant Citrix is a Delaware corporation with a principal place of business at 4988 Great America Parkway, Santa Clara, CA 95054. Citrix has regular and established places of business in this District, including, e.g., at 7414 Hollister Avenue, Goleta, CA 93117. *E.g.,* https://www.citrix.com/contact/sales.html. Citrix offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in California and in this District. Citrix can be served with process through its registered agent, the Corporation Service Company Which will Do Business in California as CSC-Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833-3505.

JURISDICTION AND VENUE

3.   This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4.   This Court has personal jurisdiction over Citrix in this action because Citrix has committed acts within the Central District of California giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Citrix would not offend traditional notions of fair play and substantial justice. Citrix, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

5.   Venue is proper in this district under 28 U.S.C. § 1400(b). Citrix is registered to do business in California, and upon information and belief, Citrix has transacted business in the Central District of California and has committed acts of direct

1   and indirect infringement in the Central District of California. Citrix has regular and

2   established place(s) of business in this District, as set forth above.

3   **COUNT I**

4   **INFRINGEMENT OF U.S. PATENT NO. 7,720,929**

5   6.   Plaintiff realleges and incorporates by reference the foregoing paragraphs,

6   as if fully set forth herein.

7   7.   Data Scape is the owner by assignment of United States Patent No.

8   7,720,929 ("the '929 Patent") entitled "Communication System And Its Method and

9   Communication Apparatus And Its Method." The '929 Patent was duly and legally

10   issued by the United States Patent and Trademark Office on May 18, 2010. A true and

11   correct copy of the '929 Patent is included as Exhibit A.

12   8.   On information and belief, Citrix has offered for sale, sold and/or imported

13   into the United States Citrix products and services that infringe the '929 patent, and

14   continues to do so. By way of illustrative example, these infringing products and

15   services include, without limitation, Citrix's products and services, *e.g.*, ShareFile,

16   Citrix Content Collaboration, and Citrix Workspace, and all versions and variations

17   thereof since the issuance of the '929 Patent ("Accused Instrumentalities").

18   9.   On information and belief, Citrix has directly infringed and continues to

19   infringe the '929 Patent, for example, by making, selling, offering for sale, and/or

20   importing the Accused Instrumentalities, and through its own use and testing of the

21   Accused Instrumentalities, which constitute communication system of Claim 1 of

22   the '929 Patent comprising: a first apparatus having a first storage medium, and a

23   second apparatus, said second apparatus comprising: a second storage medium

24   configured to store management information of data to be transferred to said first

25   storage medium, a communicator configured to communicate data with said first

26   apparatus, a detector configured to detect whether said first apparatus and said second

27   apparatus are connected, an editor configured to select certain data to be transferred and

28   to edit said management information based on said selection without regard to the

connection of said first apparatus, and a controller configured to control transfer of the selected data stored in said second apparatus via said communicator based on said management information edited by said editor when said detector detects that said first apparatus and said second apparatus are connected, wherein said controller is configured to compare said management information edited by said editor with management information of data stored in said first storage medium and to transmit data in said second apparatus based on the results of the comparison. Upon information and belief, Citrix uses the Accused Instrumentalities, which are infringing systems, for its own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to Citrix's customers.

10.   On information and belief, Citrix has had knowledge of the '929 Patent since at least the filing of the original Complaint in this action, or shortly thereafter, and on information and belief, Citrix knew of the '929 Patent and knew of its infringement, including by way of this lawsuit. By the time of trial, Citrix will have known and intended (since receiving such notice) that their continued actions would actively induce and contribute to the infringement of the claims of the '929 Patent.

11.   On information and belief, use of the Accused Instrumentalities in their ordinary and customary fashion results in infringement of the claims of the '929 Patent.

12.   Citrix's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentalities have induced and continue to induce users of the Accused Instrumentalities to use the Accused Instrumentalities in their normal and customary way to infringe the claims of the '929 Patent, knowing that when the Accused Instrumentalities are used in their ordinary and customary manner, such systems constitute infringing communication systems comprising: a first apparatus having a first storage medium, and a second apparatus, said second apparatus comprising: a second storage medium configured to store management information of data to be transferred to said first storage medium, a communicator configured to communicate data with said

first apparatus, a detector configured to detect whether said first apparatus and said second apparatus are connected, an editor configured to select certain data to be transferred and to edit said management information based on said selection without regard to the connection of said first apparatus, and a controller configured to control transfer of the selected data stored in said second apparatus via said communicator based on said management information edited by said editor when said detector detects that said first apparatus and said second apparatus are connected, wherein said controller is configured to compare said management information edited by said editor with management information of data stored in said first storage medium and to transmit data in said second apparatus based on the results of the comparison. For example, Citrix explains to customers the benefits of using the Accused Instrumentalities, such as by touting their advantages: "Access and share all your files and documents in a few simple clicks," "Skip the messy data migration and get secure access to files and folders stored on legacy data systems, with 3rd party servicers or anywhere else. ShareFile gives users a single, secure point of access to all data, regardless of environment or endpoint." https://www.sharefile.com/features. Citrix also induces its customers to use the Accused Instrumentalities to infringe other claims of the '929 Patent. Citrix specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '929 Patent. Citrix performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '929 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Citrix engaged in such inducement to promote the sales of the Accused Instrumentalities, *e.g.,* through Citrix's user manuals, product support, marketing materials, demonstrations, installation support, and training materials to actively induce the users of the accused products to infringe the '929 Patent. Accordingly, Citrix as induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with

1 compatible systems to make and/or use systems infringing the '929 Patent, knowing

2 that such use of the Accused Instrumentalities with compatible systems will result in

3 infringement of the '929 Patent. Accordingly, Citrix has been (since at least as of filing

4 of the original complaint), and currently is, inducing infringement of the '929 Patent, in

5 violation of 35 U.S.C. § 271(b).

6   13.   Citrix has also infringed, and continues to infringe, claims of the '929

7 patent by offering to commercially distribute, commercially distributing, making,

8 and/or importing the Accused Instrumentalities, which are used in practicing the

9 process, or using the systems, of the '929 patent, and constitute a material part of the

10 invention.   Citrix knows the components in the Accused Instrumentalities to be

11 especially made or especially adapted for use in infringement of the '929 patent, not a

12 staple article, and not a commodity of commerce suitable for substantial noninfringing

13 use. For example, the ordinary way of using the Accused Instrumentalities infringes the

14 patent claims, and as such, is especially adapted for use in infringement. Accordingly,

15 Citrix has been, and currently is, contributorily infringing the '929 patent, in violation

16 of 35 U.S.C. § 271(c).

17   14.   The Accused Instrumentalities include "[a] communication system

18 including a first apparatus having a first storage medium, and a second apparatus." For

19 example, the Accused Instrumentalities include a communication system (e.g.,

20 ShareFile product) comprising of StorageZones having a storage medium (e.g.,

21 Microsoft Azure or Citrix S3 cloud storage, network drives) and clients (e.g., mobile

22 devices, native desktop client, virtual desktop).

23 https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

24 sharefile-enterprise-a-technical-overview.pdf.

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Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf

15.   The Accused Instrumentalities include a second apparatus comprising: a second storage medium configured to store management information of data to be transferred to said first storage medium. For example, the Accused Instrumentalities include clients such as mobile devices, native desktop clients, or virtual desktops. https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf.   Moreover, mobile devices, native desktop clients or virtual desktops include a storage medium (e.g., see figure below).
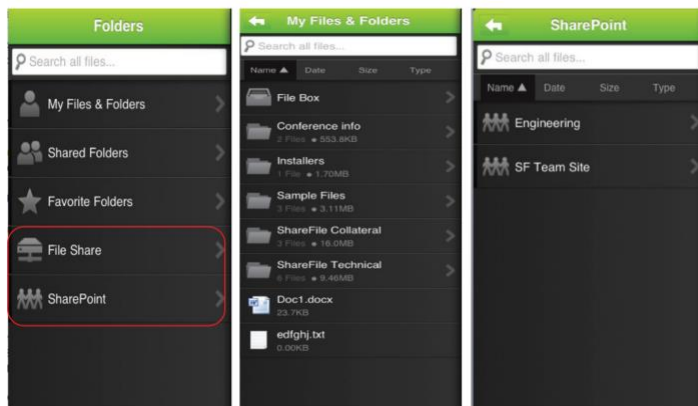

Figure 3. Folder structure in the ShareFile mobile client interface

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf. Moreover, the Accused Instrumentalities provide ShareFile Sync tool configured to synchronize selected folders (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended). In this regard, the Accused Instrumentalities include ShareFile Sync tool that stores information about the selected folders' structure (e.g., see figure below).

https://support.citrix.com/article/CTX207683?recommended.
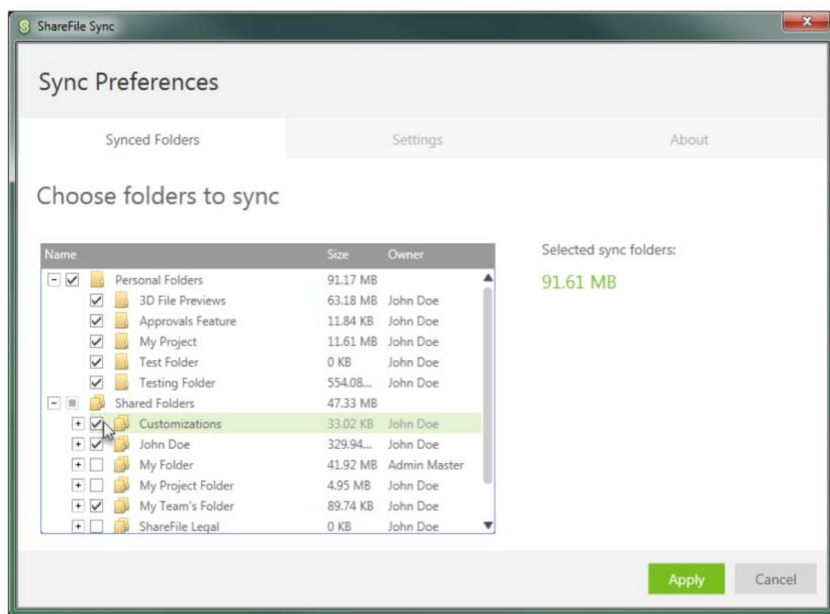
16. The Accused Instrumentalities include a second apparatus comprising "a communicator configured to communicate data with said first apparatus." For example, the Accused Instrumentalities disclose "[F]iles are transferred through ShareFile over a secure SSL/TLS connection and are stored at rest with AES 256-bit encryption." https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf. (e.g., Data/File Transfer between Clients and Customer Datacenter in the figure below).
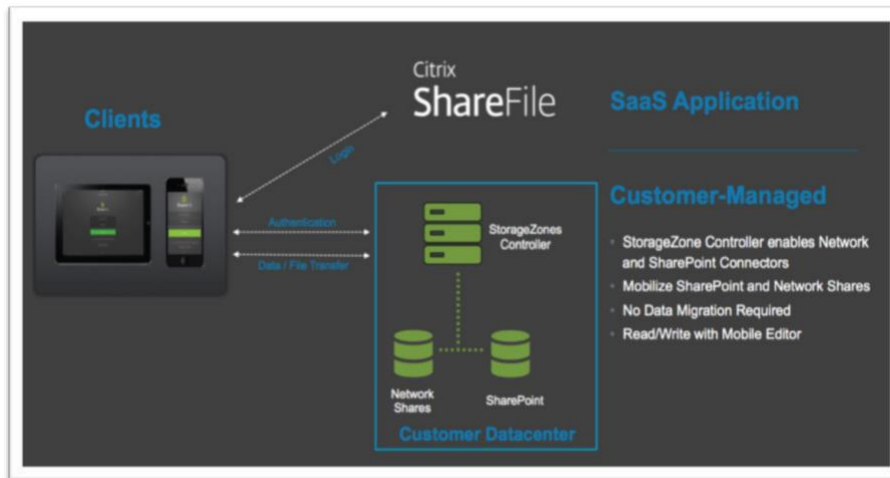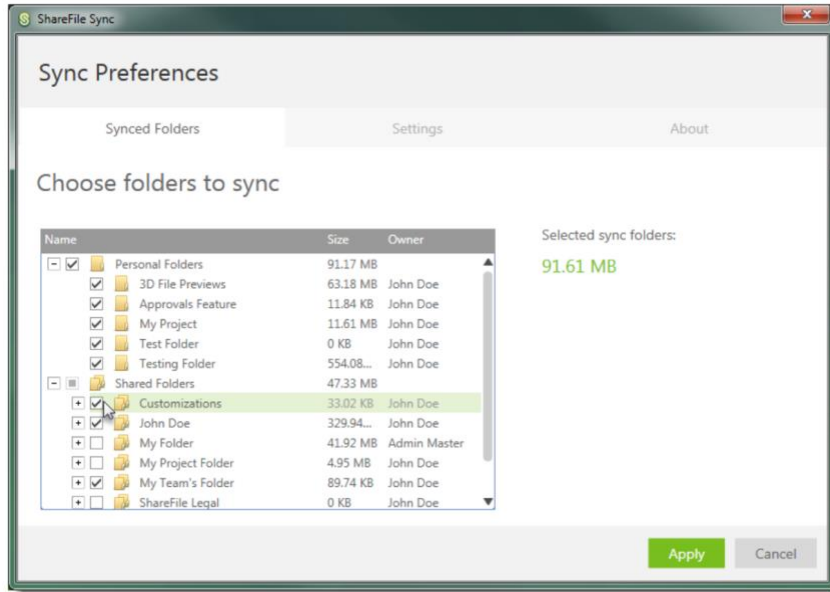
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Figure 3. StorageZone Connector architecture

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10   https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

11   sharefile-enterprise-a-technical-overview.pdf.

12   17.   The Accused Instrumentalities further include a second apparatus

13   comprising "a detector configured to detect whether said first apparatus and a second

14   apparatus are connected."   For example, the Accused Instrumentalities include a

15   detector configured to detect whether network connectivity is down. For example, the

16   Accused Instrumentalities disclose that "[I]f internet connectivity is lost, uploads will

17   be   retried   automatically   when   connectivity   is   restored."

18   https://support.citrix.com/article/CTX226351.

19   18.   The Accused Instrumentalities further include a second apparatus

20   comprising "an editor configured to select certain data to be transferred and to edit said

21   management information based on said selection without regard to the connection of

22   said first apparatus."   For example, the Accused Instrumentalities let the user select

23   folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to

24   designate   which   folders   to   sync.   Click Apply to   save   your   changes."

25   https://support.citrix.com/article/CTX207683?recommended).   In this regard, the

26   Accused Instrumentalities include ShareFile Sync tool that stores information about the

27   selected folders' structure (e.g., see figure below).

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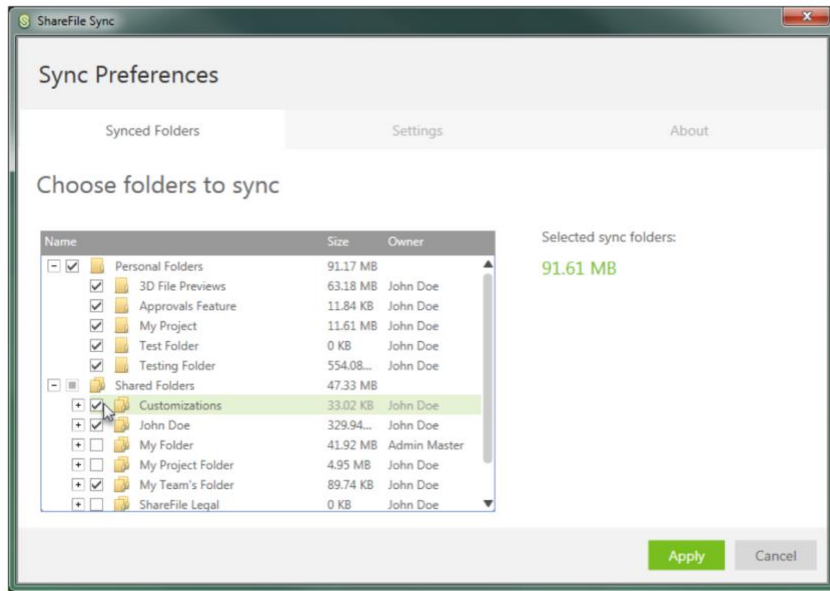https://support.citrix.com/article/CTX207683?recommended. Moreover, the Accused Instrumentalities are able to edit information about the synchronized folders' structure even when internet connection is unavailable. For example, the Accused Instrumentalities disclose "[W]hen you delete a file from your sync location, it is moved to the local Recycle Bin of your PC." https://support.citrix.com/article/CTX207683?recommended.   The Accused Instrumentalities also disclose that "[I]f you share a sync location with another user and you delete a file, the file will be moved to the local Recycle Bin of your PC and the local   Recycle   Bin   of   any   user   currently   synced   to   that location." https://support.citrix.com/article/CTX207683?recommended. As another example, the Accused Instrumentalities disclose that "[I]f internet connectivity is lost, uploads   will   be   retried   automatically   when   connectivity   is   restored." https://support.citrix.com/article/CTX226351.

19.   The Accused Instrumentalities further include a second apparatus comprising "a controller configured to control transfer of the selected data stored in said second apparatus to said first apparatus via said communicator based on said management information edited by said editor when said detector detects that said first apparatus and said second apparatus are connected." For example, the Accused

1 Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced
2 Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save
3 your changes." https://support.citrix.com/article/CTX207683?recommended).   In this
4 regard, the Accused Instrumentalities include ShareFile Sync tool that provides transfer
5 of the selected folders (e.g., see figure below).

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16 https://support.citrix.com/article/CTX207683?recommended. As another example, the
17 Accused Instrumentalities disclose "[F]iles are transferred through ShareFile over a
18 secure SSL/TLS connection and are stored at rest with AES 256-bit encryption."
19 https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf.   (e.g.,
20 Data/File Transfer between Clients and Customer Datacenter in the figure below).
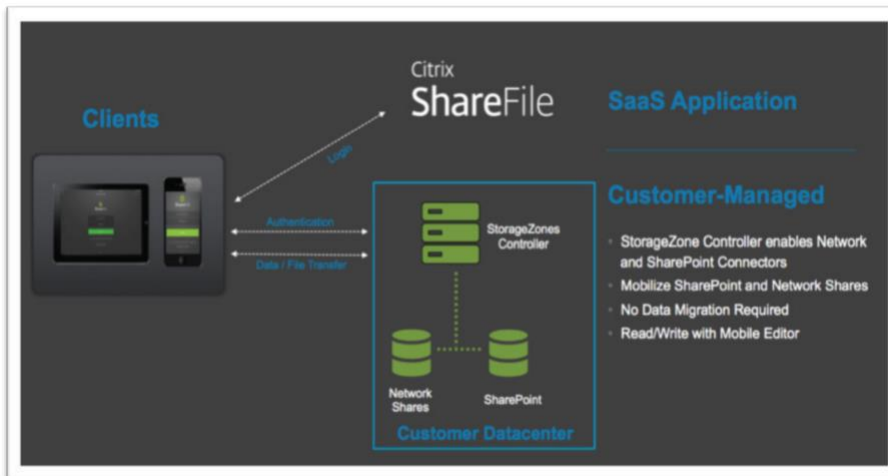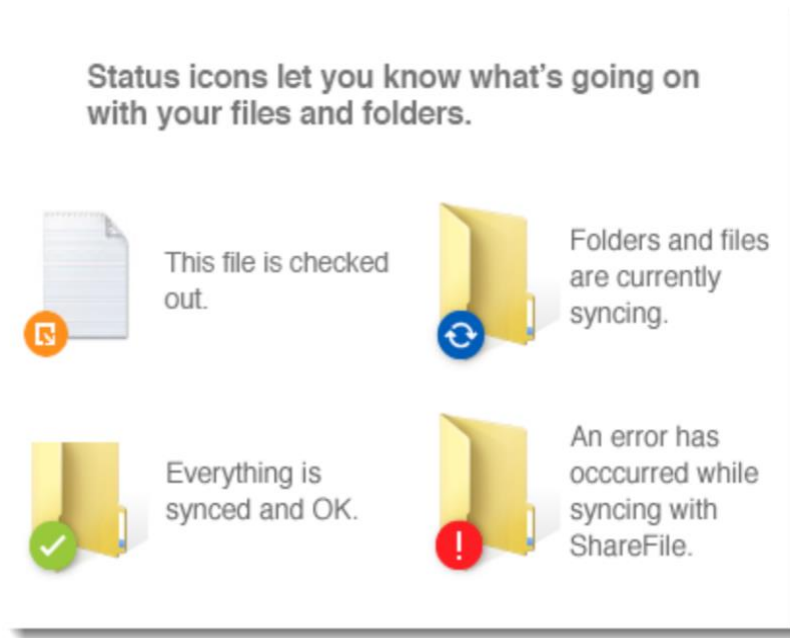
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Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf. Moreover, the Accused Instrumentalities detect whether client devices and StorageZones datacenters are connected. As such, the Accused Instrumentalities disclose that "[I]f internet connectivity is lost, uploads will be retried automatically when connectivity is restored." https://support.citrix.com/article/CTX226351.

20.   The Accused Instrumentalities further include a second apparatus "wherein said controller is configured to compare said management information edited by said editor with management information of data stored in said first storage medium and to transmit data in said second apparatus based on result of the comparison." For example, the Accused Instrumentalities provide folders and files synchronization status indicators. As such, synchronization status indicators may indicate whether folders or files are synced or in the process of syncing (e.g., "You can view currently syncing and synced files, currently checked out files, start or pause the Sync process… ." https://support.citrix.com/article/CTX207683?recommended and figure below).

Status icons let you know what's going on with your files and folders.

This file is checked out.

Folders and files are currently syncing.

Everything is synced and OK.

An error has occured while syncing with ShareFile.

https://support.citrix.com/article/CTX234889.

21.   Citrix also infringes other claims of the '929 Patent, directly and through inducing infringement and contributory infringement.

22.   By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' accused features, Citrix has injured Data Scape and is liable to Data Scape for infringement of the '929 Patent pursuant to 35 U.S.C. § 271.

23.   As a result of Citrix's infringement of the '929 Patent, Plaintiff Data Scape is entitled to monetary damages in an amount adequate to compensate for Citrix's infringement, but in no event less than a reasonable royalty for the use made of the invention by Citrix, together with interest and costs as fixed by the Court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,617,537

24.   Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

25.   Data Scape is the owner by assignment of United States Patent No. 7,617,537 ("the '537 Patent") entitled "Communication System And Its Method and

Communication Apparatus And Its Method." The '537 Patent was duly and legally issued by the United States Patent and Trademark Office on Nov. 10, 2009. A true and correct copy of the '537 Patent is included as Exhibit B.

26. On information and belief, Citrix has offered for sale, sold and/or imported into the United States Citrix products and services that infringe the '537 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Citrix's products and services, *e.g.*, ShareFile, Citrix Content Collaboration, and Citrix Workspace, and all versions and variations thereof since the issuance of the '537 Patent ("Accused Instrumentalities").

27. On information and belief, Citrix has directly infringed and continues to infringe the '537 Patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities, which constitute communication method of Claim 1 of the '537 Patent, to transfer content data to a first apparatus from a second apparatus, comprising: judging whether said first apparatus and said second apparatus are connected; comparing, upon judging that said first apparatus and said second apparatus are connected, an identifier of said first apparatus with an identifier stored in said second apparatus; comparing, when said identifier of said first apparatus corresponds to said identifier stored in said second apparatus, a first list of content data of said first apparatus and a second list of content data of said second apparatus; transferring, from the second apparatus to the first apparatus, first content data, which is registered in said second list and is not registered in said first list; and deleting, from the first apparatus, second content data, which is registered in said first list and is not registered in said second list. Upon information and belief, Citrix uses the Accused Instrumentalities, which are infringing systems, for its own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to Citrix's customers.

28.   On information and belief, Citrix has had knowledge of the '537 Patent since at least the filing of the original Complaint in this action, or shortly thereafter, and on information and belief, Citrix knew of the '537 Patent and knew of its infringement, including by way of this lawsuit. By the time of trial, Citrix will have known and intended (since receiving such notice) that their continued actions would actively induce and contribute to the infringement of the claims of the '537 Patent.

29.   On information and belief, use of the Accused Instrumentalities in their ordinary and customary fashion results in infringement of the claims of the '537 Patent.

30.   Citrix's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentalities have induced and continue to induce users of the Accused Instrumentalities to use the Accused Instrumentalities in their normal and customary way to infringe the claims of the '537 Patent, knowing that when the Accused Instrumentalities are used in their ordinary and customary manner, such method constitute infringing communication method comprising: judging whether said first apparatus and said second apparatus are connected; comparing, upon judging that said first apparatus and said second apparatus are connected, an identifier of said first apparatus with an identifier stored in said second apparatus; comparing, when said identifier of said first apparatus corresponds to said identifier stored in said second apparatus, a first list of content data of said first apparatus and a second list of content data of said second apparatus; transferring, from the second apparatus to the first apparatus, first content data, which is registered in said second list and is not registered in said first list; and deleting, from the first apparatus, second content data, which is registered in said first list and is not registered in said second list. For example, Citrix explains to customers the benefits of using the Accused Instrumentalities, such as by touting their advantages: "[A]ccess and share all your files and documents in a few simple clicks," "Skip the messy data migration and get secure access to files and folders stored on legacy data systems, with 3rd party servicers or anywhere else. ShareFile gives users a single, secure point of access to all data, regardless of environment or

endpoint." https://www.sharefile.com/features. Citrix also induces its customers to use the Accused Instrumentalities to infringe other claims of the '537 Patent. Citrix specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '537 Patent. Citrix performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '537 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Citrix engaged in such inducement to promote the sales of the Accused Instrumentalities, *e.g.,* through Citrix's user manuals, product support, marketing materials, demonstrations, installation support, and training materials to actively induce the users of the accused products to infringe the '537 Patent. Accordingly, Citrix as induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '537 Patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in infringement of the '537 Patent. Accordingly, Citrix has been (since at least as of filing of the original complaint), and currently is, inducing infringement of the '537 Patent, in violation of 35 U.S.C. § 271(b).

31.   Citrix has also infringed, and continues to infringe, claims of the '537 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Instrumentalities, which are used in practicing the process, or using the systems, of the '537 patent, and constitute a material part of the invention.   Citrix knows the components in the Accused Instrumentalities to be especially made or especially adapted for use in infringement of the '537 patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. For example, the ordinary way of using the Accused Instrumentalities infringes the patent claims, and as such, is especially adapted for use in infringement. Accordingly,

1 Citrix has been, and currently is, contributorily infringing the '537 patent, in violation

2 of 35 U.S.C. § 271(c).

3   32.   The Accused Instrumentalities perform "[a] communication method to

4 transfer content data to a first apparatus from a second apparatus." For example, the

5 Accused Instrumentalities communicate and transfer, via StorageZones Controller, files

6 between datacenters controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage,

7 network drives) and clients (e.g., mobile devices, native desktop client, virtual desktop).

8 https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

9 sharefile-enterprise-a-technical-overview.pdf.   As another example, the Accused

10 Instrumentalities disclose "[F]iles are transferred through ShareFile over a secure

11 SSL/TLS connection and are stored at rest with AES 256-bit encryption."

12 https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf.   (e.g.,

13 Data/File Transfer between Clients and Customer Datacenter in the figure below).
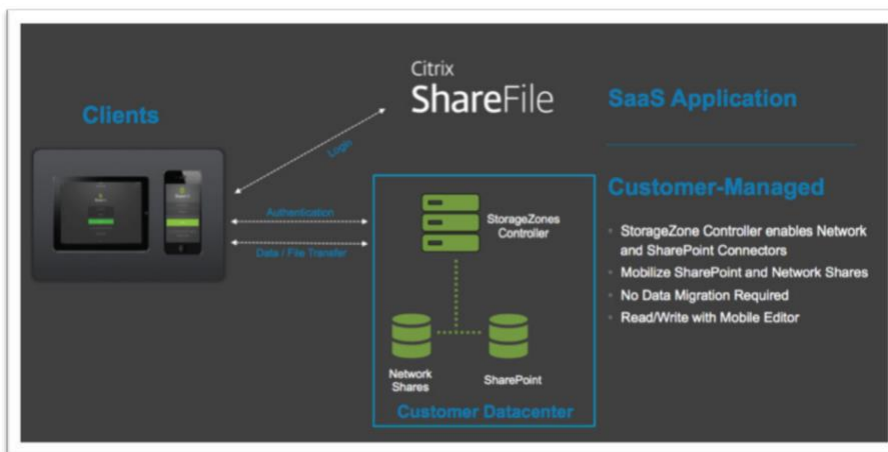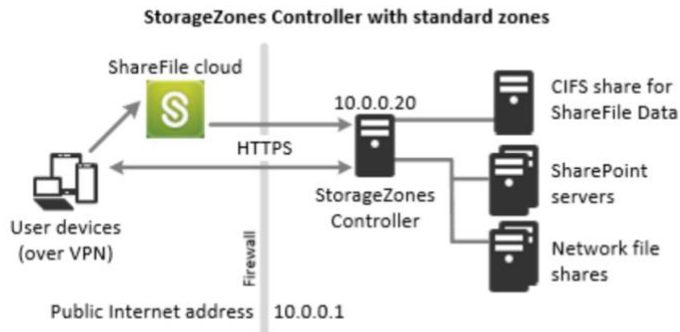
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Figure 3. StorageZone Connector architecture

22 https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

23 sharefile-enterprise-a-technical-overview.pdf. As another example, the Accused

24 Instrumentalities also provide that HTTPS communication methods is used to

25 communicate between "User devices" and "StorageZones Controller." (e.g., See the

26 figure below).

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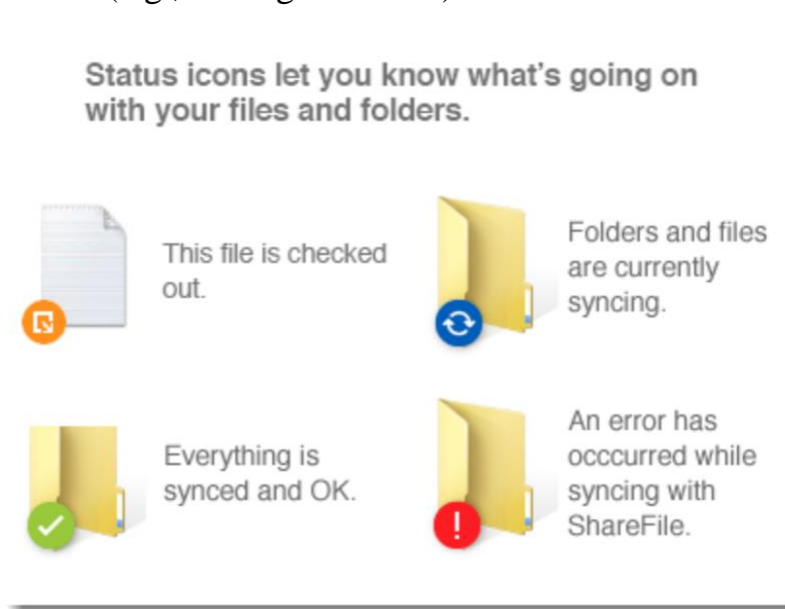StorageZones Controller with standard zones

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8 https://docs.citrix.com/en-us/storagezones-controller/5-0/architecture-overview.html

9 33. The Accused Instrumentalities perform a method comprising "judging

10 whether said first apparatus and said second apparatus are connected." For example,

11 the Accused Instrumentalities judge whether network connectivity between client

12 devices and the StorageZones Controller is down. For example, the Accused

13 Instrumentalities disclose that "[I]f internet connectivity is lost, uploads will be retried

14 automatically   when   connectivity   is   restored."

15 https://support.citrix.com/article/CTX226351.

16 34. The Accused Instrumentalities perform "comparing, upon judging that

17 said first apparatus and said second apparatus are connected, an identifier of said first

18 apparatus with an identifier stored in said second apparatus." For example, the Accused

19 Instrumentalities disclose that "[I]f internet connectivity is lost, uploads will be retried

20 automatically   when   connectivity   is   restored."

21 https://support.citrix.com/article/CTX226351.   For   example,   the   Accused

22 Instrumentalities disclose an authentication method that enables user devices to access

23 data stored in "StorageZones and on network files shares or SharePoint servers."

24 https://docs.citrix.com/en-us/storagezones-controller/5-0/about.html.   As   such,   the

25 Accused Instrumentalities disclose that "[A]ll authentication requests and user

26 credentials are securely sent over HTTPS. After the authentication process is complete,

27 the mobile client communicates directly with the StorageZone Controller and all files

28 are securely accessed directly through the Controller within the customer's datacenter."

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf.

35.   The Accused Instrumentalities perform "comparing, when said identifier of said first apparatus corresponds to said identifier stored in said second apparatus, a first list of content data of said first apparatus and a second list of content data of said second apparatus."   For example, the Accused Instrumentalities disclose that "[A]fter the credentials are verified, the user can access the data securely from their mobile device."   https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf. As another example, the Accused Instrumentalities provide folders and files synchronization status indicators. As such, synchronization status indicators may indicate whether folders or files are synced or in the process of syncing (e.g., "You can view currently syncing and synced files, currently checked out files, start or pause the Sync process… ." https://support.citrix.com/article/CTX207683?recommended and figure below). More specifically, files and folders synchronization process compares a list of files and folders stored in the first apparatus with the list of files and folders stored in the second apparatus. (e.g., See figure below).

Status icons let you know what's going on with your files and folders.

This file is checked out.

Folders and files are currently syncing.

Everything is synced and OK.

An error has occurred while syncing with ShareFile.

1   https://support.citrix.com/article/CTX234889.

2   36.   The Accused Instrumentalities further perform "transferring, from the

3   second apparatus to the first apparatus, first content data, which is registered in said

4   second list and is not registered in said first list."   For example, the Accused

5   Instrumentalities provide folders and files synchronization status indicators. As such,

6   synchronization status indicators may indicate whether folders or files are synced or in

7   the process of syncing (e.g., "You can view currently syncing and synced files, currently

8   checked   out   files,   start   or   pause   the   Sync   process…   ."

9   https://support.citrix.com/article/CTX207683?recommended and figure below). More

10   specifically, the synchronization process transfers files and folders from the client

11   devices to datacenters controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage,
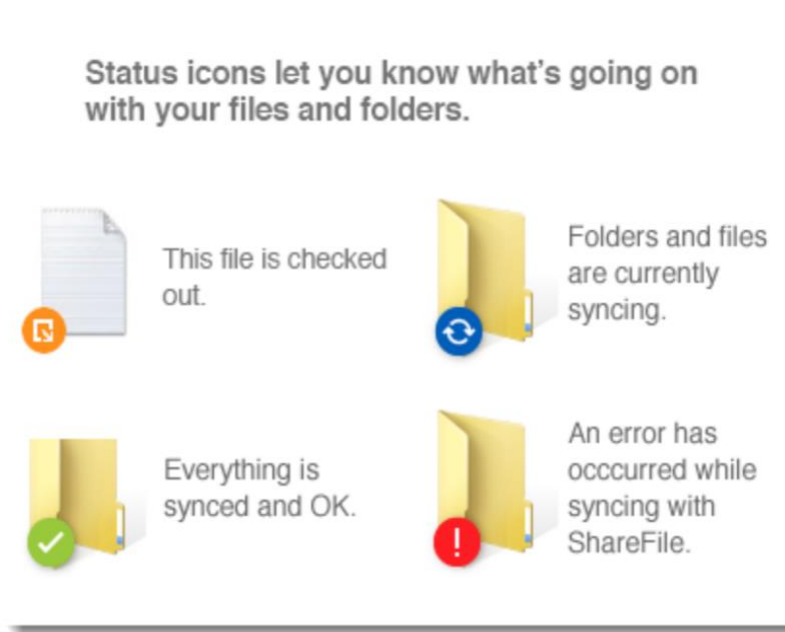
12   network drives). (e.g., See figure below).

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24   https://support.citrix.com/article/CTX234889.
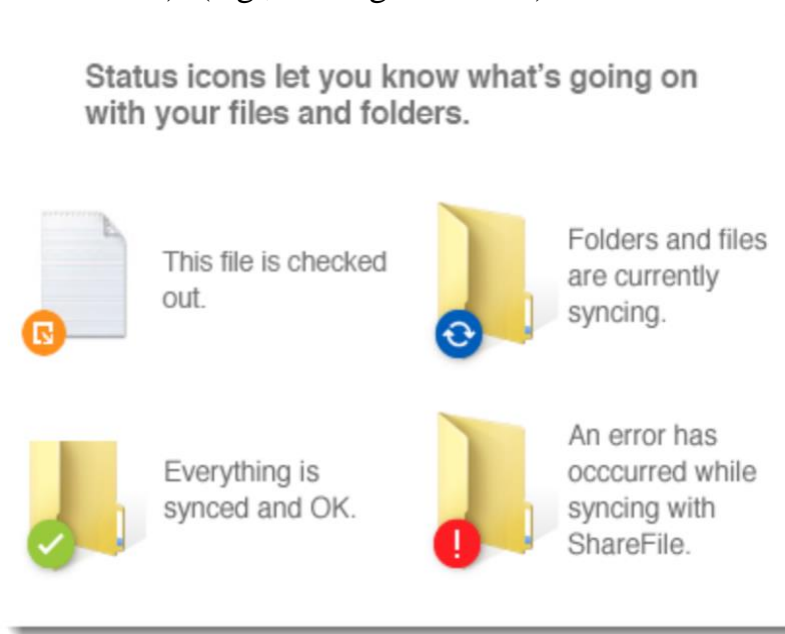
25   37.   The Accused Instrumentalities perform "deleting, from the first apparatus,

26   second content data, which is registered in said first list and is not registered in said

27   second list."   For example, the Accused Instrumentalities provide folders and files

28   synchronization status indicators.   As such, synchronization status indicators may

indicate whether folders or files are synced or in the process of syncing (e.g., "You can view currently syncing and synced files, currently checked out files, start or pause the Sync process… ." https://support.citrix.com/article/CTX207683?recommended and figure below). More specifically, the synchronization process deletes files and folders from the datacenters controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives) when they are removed from the client devices. (e.g., See figure below).

Status icons let you know what's going on with your files and folders.

This file is checked out.

Folders and files are currently syncing.

Everything is synced and OK.

An error has occcurred while syncing with ShareFile.

https://support.citrix.com/article/CTX234889. As another example, the Accused Instrumentalities disclose "[I]f you share a sync location with another user and you delete a file, the file will be moved to the local Recycle Bin of your PC AND the local Recycle Bin of any user currently synced to that location." https://support.citrix.com/article/CTX207683?recommended#Deletion

38.   Citrix also infringes other claims of the '537 Patent, directly and through inducing infringement and contributory infringement.

39.   By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' accused features, Citrix has injured Data Scape and is liable to Data Scape for infringement of the '537 Patent pursuant to 35 U.S.C. § 271.

40.   As a result of Citrix's infringement of the '537 Patent, Plaintiff Data Scape is entitled to monetary damages in an amount adequate to compensate for Citrix's infringement, but in no event less than a reasonable royalty for the use made of the invention by Citrix, together with interest and costs as fixed by the Court.

<div align="center">

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 8,386,581

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41.   Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

42.   Data Scape is the owner by assignment of United States Patent No. 8,386,581 ("the '581 Patent") entitled "Communication System And Its Method and Communication Apparatus And Its Method." The '581 Patent was duly and legally issued by the United States Patent and Trademark Office on Feb. 26, 2013. A true and correct copy of the '581 Patent is included as Exhibit C.

43.   On information and belief, Citrix has offered for sale, sold and/or imported into the United States Citrix products and services that infringe the '581 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Citrix's products and services, *e.g.*, ShareFile, Citrix Content Collaboration, and Citrix Workspace, and all versions and variations thereof since the issuance of the '581 Patent ("Accused Instrumentalities").

44.   On information and belief, Citrix has directly infringed and continues to infringe the '581 Patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities, which constitute communication apparatus of Claim 1 of the '581 Patent comprising: a storage unit configured to store content data to a storage medium; a communication unit configured to communicate with an external apparatus; a controller configured to edit a list so that content data is registered in the list, to uniquely associate the list with the external apparatus using a unique identification of the external apparatus, to extract the list associated with the external apparatus from a

1 | plurality of lists in the communication apparatus when the external apparatus is
2 | connected to the communication apparatus, and to control transferring of content data
3 | registered in the extracted list to the external apparatus. Upon information and belief,
4 | Citrix uses the Accused Instrumentalities, which are infringing systems, for its own
5 | internal non-testing business purposes, while testing the Accused Instrumentalities, and
6 | while providing technical support and repair services for the Accused Instrumentalities
7 | to Citrix's customers.

8 | 45.   On information and belief, Citrix has had knowledge of the '581 Patent
9 | since at least the filing of the original Complaint in this action, or shortly thereafter, and
10 | on information and belief, Citrix knew of the '581 Patent and knew of its infringement,
11 | including by way of this lawsuit. By the time of trial, Citrix will have known and
12 | intended (since receiving such notice) that their continued actions would actively induce
13 | and contribute to the infringement of the claims of the '581 Patent.

14 | 46.   On information and belief, use of the Accused Instrumentalities in their
15 | ordinary and customary fashion results in infringement of the claims of the '581 Patent.

16 | 47.   Citrix's affirmative acts of making, using, selling, offering for sale, and/or
17 | importing the Accused Instrumentalities have induced and continue to induce users of
18 | the Accused Instrumentalities to use the Accused Instrumentalities in their normal and
19 | customary way to infringe the claims of the '581 Patent, knowing that when the Accused
20 | Instrumentalities are used in their ordinary and customary manner, such systems
21 | constitute infringing communication systems comprising: a storage unit configured to
22 | store content data to a storage medium; a communication unit configured to
23 | communicate with an external apparatus; a controller configured to edit a list so that
24 | content data is registered in the list, to uniquely associate the list with the external
25 | apparatus using a unique identification of the external apparatus, to extract the list
26 | associated with the external apparatus from a plurality of lists in the communication
27 | apparatus when the external apparatus is connected to the communication apparatus,
28 | and to control transferring of content data registered in the extracted list to the external

apparatus. For example, Citrix explains to customers the benefits of using the Accused Instrumentalities, such as by touting their advantages: "[A]ccess and share all your files and documents in a few simple clicks," "Skip the messy data migration and get secure access to files and folders stored on legacy data systems, with 3rd party servicers or anywhere else. ShareFile gives users a single, secure point of access to all data, regardless of environment or endpoint." https://www.sharefile.com/features.   Citrix also induces its customers to use the Accused Instrumentalities to infringe other claims of the '581 Patent. Citrix specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '581 Patent. Citrix performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '581 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Citrix engaged in such inducement to promote the sales of the Accused Instrumentalities, *e.g.,* through Citrix's user manuals, product support, marketing materials, demonstrations, installation support, and training materials to actively induce the users of the accused products to infringe the '581 Patent. Accordingly, Citrix as induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '581 Patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in infringement of the '581 Patent. Accordingly, Citrix has been (since at least as of filing of the original complaint), and currently is, inducing infringement of the '581 Patent, in violation of 35 U.S.C. § 271(b).

48.   Citrix has also infringed, and continues to infringe, claims of the '581 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Instrumentalities, which are used in practicing the process, or using the systems, of the '581 patent, and constitute a material part of the invention. Citrix knows the components in the Accused Instrumentalities to be

especially made or especially adapted for use in infringement of the '581 patent, not a

staple article, and not a commodity of commerce suitable for substantial noninfringing

use. For example, the ordinary way of using the Accused Instrumentalities infringes

the patent claims, and as such, is especially adapted for use in infringement.

Accordingly, Citrix has been, and currently is, contributorily infringing the '581

patent, in violation of 35 U.S.C. § 271(c).

49.   The Accused Instrumentalities include "[a] communication apparatus

comprising: a storage unit configured to store content data to a storage medium." For

example, the Accused Instrumentalities communicate and transfer, via StorageZones

Controller, files between datacenters controlled by (e.g., Microsoft Azure or Citrix S3

cloud storage, network drives) and clients (e.g., mobile devices, native desktop client,

virtual   desktop).

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

sharefile-enterprise-a-technical-overview.pdf. (e.g., Data/File Transfer between Clients
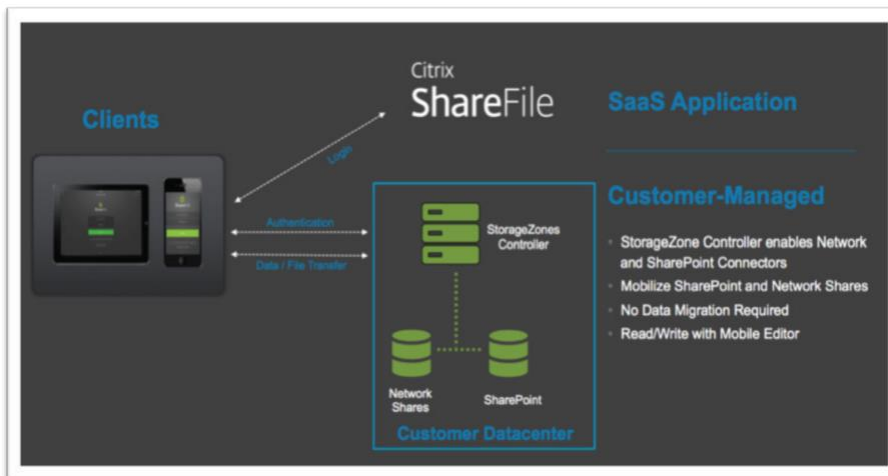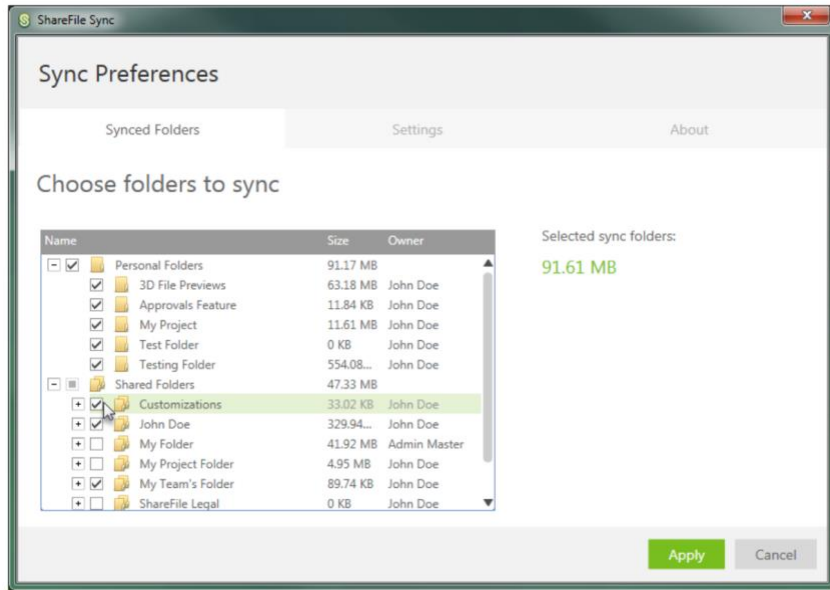
and Customer Datacenter in the figure below).

Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

sharefile-enterprise-a-technical-overview.pdf. As such, the Accused Instrumentalities

include a storage unit in the client devices. For example, the Accused

Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced

25

Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended). In this regard, the Accused Instrumentalities include a storage unit storing data selected for synchronization (e.g., see figure below).

https://support.citrix.com/article/CTX207683?recommended.

50.   The Accused Instrumentalities include "a communication unit configured to communicate with an external apparatus." For example, the Accused Instrumentalities disclose "[F]iles are transferred through ShareFile over a secure SSL/TLS connection and are stored at rest with AES 256-bit encryption." https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf.   (e.g., Data/File Transfer between Clients and Customer Datacenter in the figure below).
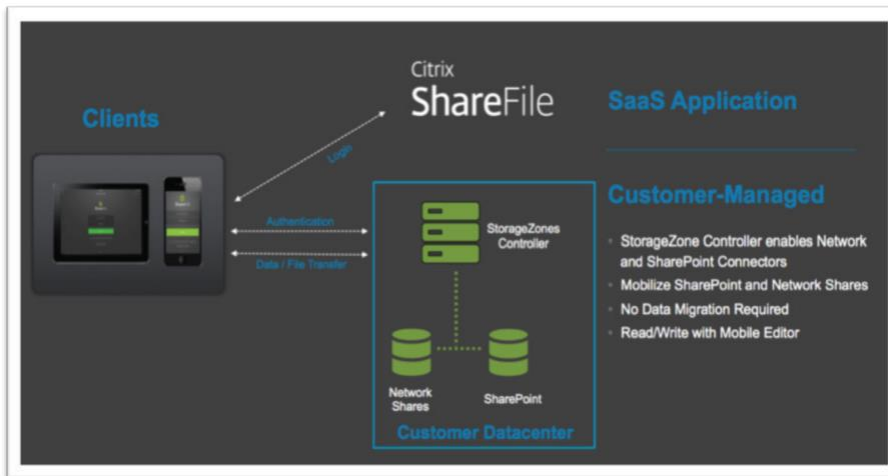
Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf. As another example, the Accused Instrumentalities also provide that HTTPS communication methods is used to communicate between "User devices" and "StorageZones Controller." (e.g., See the figure below).

https://docs.citrix.com/en-us/storagezones-controller/5-0/architecture-overview.html
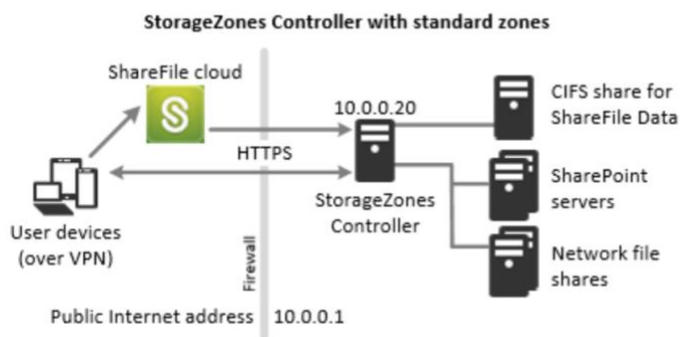
51.   The Accused Instrumentalities further include "a controller configured to edit a list so that content data is registered in the list." For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended).   In this

regard, the Accused Instrumentalities include ShareFile Sync tool configured to edit a list of the selected folders' (e.g., see figure below).

https://support.citrix.com/article/CTX207683?recommended.
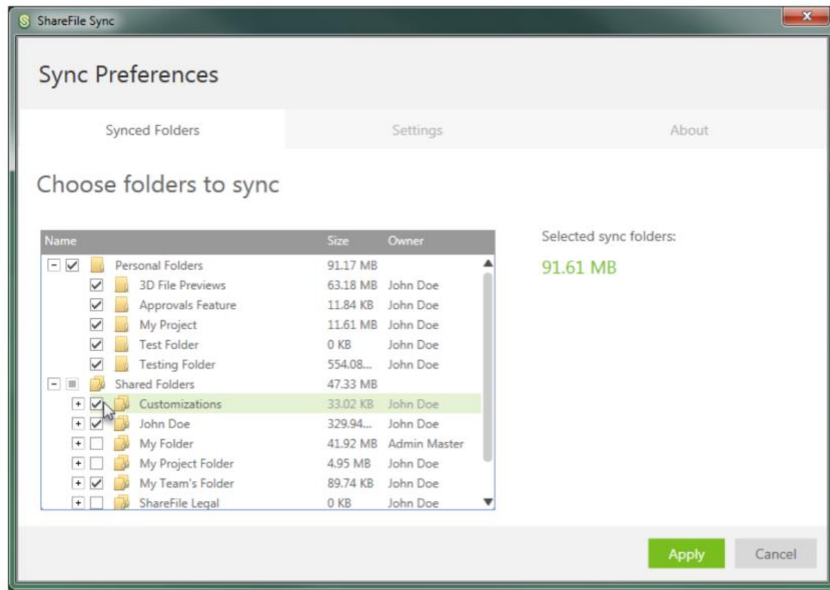
52.   The Accused Instrumentalities further include "a controller configured to uniquely associate the list with the external apparatus using a unique identification of the external apparatus." For example, the Accused Instrumentalities disclose an authentication method that enables user devices to access data stored in "StorageZones and on network files shares or SharePoint servers." https://docs.citrix.com/en-us/storagezones-controller/5-0/about.html.   As such, the Accused Instrumentalities disclose that "[A]ll authentication requests and user credentials are securely sent over HTTPS. After the authentication process is complete, the mobile client communicates directly with the StorageZone Controller and all files are securely accessed directly through   the   Controller   within   the   customer's   datacenter." https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf.

53.   The Accused Instrumentalities further include "a controller configured to extract the list associated with the external apparatus from a plurality of lists in the communication apparatus when the external apparatus is connected to the

communication apparatus."   For example, the Accused Instrumentalities determine whether client devices and the StorageZones Controller are connected. For example, the Accused Instrumentalities disclose that "[I]f internet connectivity is lost, uploads will be retried automatically when connectivity is restored." https://support.citrix.com/article/CTX226351.   As another example, the Accused Instrumentalities extract the list associated with the external apparatus. (e.g., "Users with appropriate access will see a connected SharePoint library or network file share in the ShareFile client interface under Folders.").
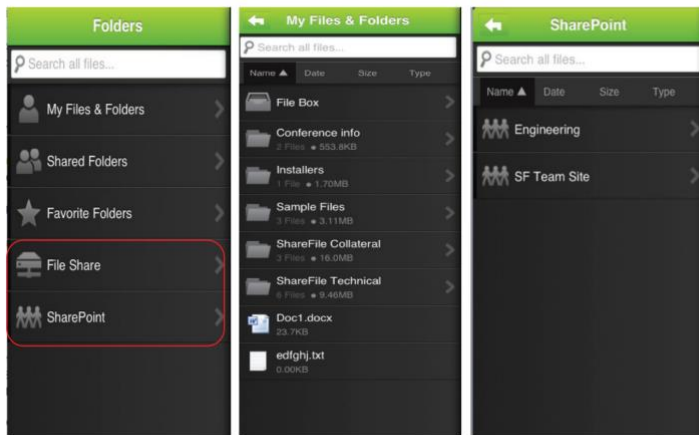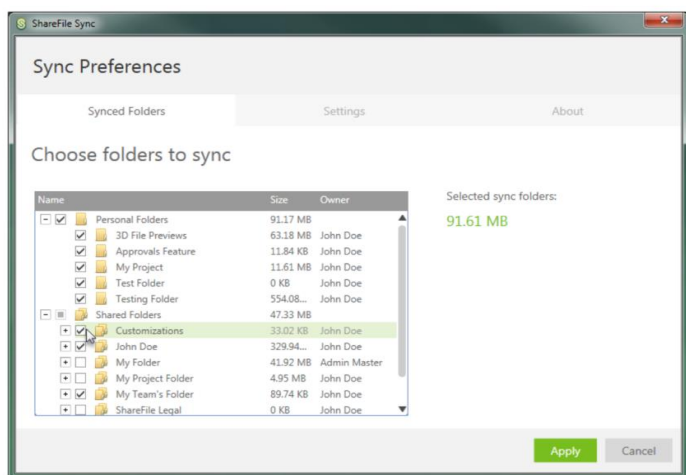

Figure 3. Folder structure in the ShareFile mobile client interface

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf. As another example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended).   In this regard, the Accused Instrumentalities include ShareFile Sync tool that extracts the list of selected files and folders to be synchronized with the associated external apparatus (e.g., see figure below).
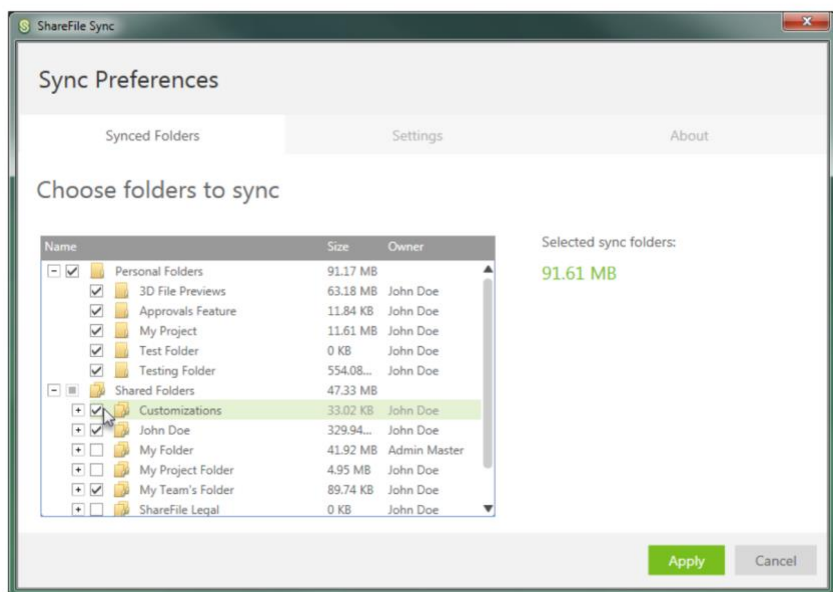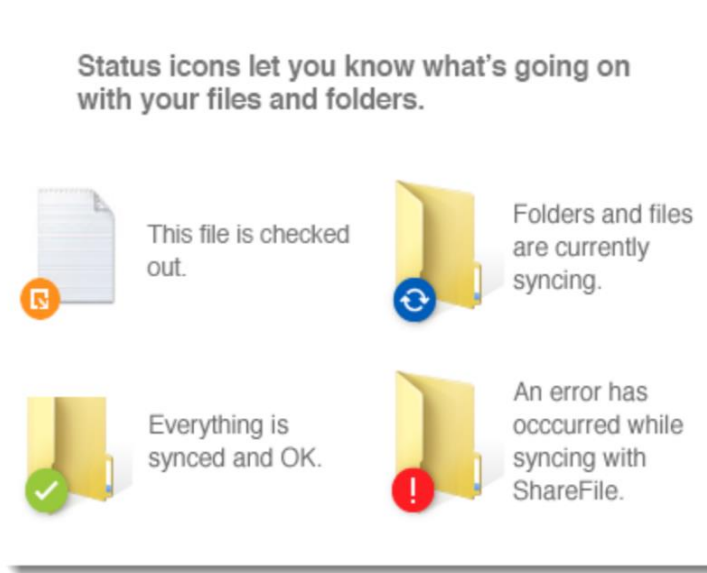
https://support.citrix.com/article/CTX207683?recommended.

54.   The Accused Instrumentalities further include "a controller configured to control transferring of content data registered in the extracted list to the external apparatus." For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended).   In this regard, the Accused Instrumentalities include ShareFile Sync tool that stores the extracted list that includes information about the selected files and folders to be synced with the external apparatus (e.g., see figure below).

https://support.citrix.com/article/CTX207683?recommended. As another example, the Accused Instrumentalities provide folders and files synchronization status indicators. As such, synchronization status indicators may indicate whether folders or files are synced or in the process of syncing (e.g., "You can view currently syncing and synced files, currently checked out files, start or pause the Sync process… ." https://support.citrix.com/article/CTX207683?recommended and figure below).

Status icons let you know what's going on with your files and folders.

This file is checked out.

Folders and files are currently syncing.

Everything is synced and OK.

An error has occcured while syncing with ShareFile.

https://support.citrix.com/article/CTX234889.

55. Citrix also infringes other claims of the '581 Patent, directly and through inducing infringement and contributory infringement.

56. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' accused features, Citrix has injured Data Scape and is liable to Data Scape for infringement of the '581 Patent pursuant to 35 U.S.C. § 271.

57. As a result of Citrix's infringement of the '581 Patent, Plaintiff Data Scape is entitled to monetary damages in an amount adequate to compensate for Citrix's infringement, but in no event less than a reasonable royalty for the use made of the invention by Citrix, together with interest and costs as fixed by the Court.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 10,027,751

58.   Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

59.   Data Scape is the owner by assignment of United States Patent No. 10,027,751 ("the '751 Patent") entitled "Communication system and its method and communication apparatus and its method." The '751 Patent was duly and legally issued by the United States Patent and Trademark Office on July 17, 2018. A true and correct copy of the '751 Patent is included as Exhibit D.

60.   On information and belief, Citrix has offered for sale, sold and/or imported into the United States Citrix products and services that infringe the '751 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Citrix's products and services, *e.g.*, ShareFile, Citrix Content Collaboration, and Citrix Workspace, and all versions and variations thereof since the issuance of the '751 Patent ("Accused Instrumentalities").

61.   On information and belief, Citrix has directly infringed and continues to infringe the '751 Patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities, which constitute a communication apparatus of Claim 1 of the '751 Patent configured to transmit data to an apparatus comprising: a hardware storage medium configured to store management information of data to be transferred to the apparatus; a communicator configured to communicate data with the apparatus; a detector configured to detect whether the communication apparatus and the apparatus are connected; an editor configured to select certain data to be transferred and to edit the management information based on the selection without regard to the connection of the communication apparatus and the apparatus; and a controller configured to control transfer of the selected data stored in the communication apparatus to the apparatus via the communicator based on the management information edited by the editor when the

1   detector detects that the communication apparatus and the apparatus are connected,

2   wherein the controller is configured to compare the management information edited by

3   the editor with management information of data stored in the apparatus, determine a

4   size of the selected data in the communication apparatus, and transmit data in the

5   communication apparatus based on result of the comparison and the determination.

6   Upon information and belief, Citrix uses the Accused Instrumentalities, which are

7   infringing systems, for its own internal non-testing business purposes, while testing the

8   Accused Instrumentalities, and while providing technical support and repair services

9   for the Accused Instrumentalities to Citrix's customers.

10   62.   On information and belief, Citrix has had knowledge of the '751 Patent

11   since at least the filing of the original Complaint in this action, or shortly thereafter, and

12   on information and belief, Citrix knew of the '751 Patent and knew of its infringement,

13   including by way of this lawsuit. By the time of trial, Citrix will have known and

14   intended (since receiving such notice) that their continued actions would actively induce

15   and contribute to the infringement of the claims of the '751 Patent.

16   63.   On information and belief, use of the Accused Instrumentalities in their

17   ordinary and customary fashion results in infringement of the claims of the '751 Patent.

18   64.   Citrix's affirmative acts of making, using, selling, offering for sale, and/or

19   importing the Accused Instrumentalities have induced and continue to induce users of

20   the Accused Instrumentalities to use the Accused Instrumentalities in their normal and

21   customary way to infringe the claims of the '751 Patent, knowing that when the Accused

22   Instrumentalities are used in their ordinary and customary manner, such systems

23   constitute infringing communication systems comprising: a hardware storage medium

24   configured to store management information of data to be transferred to the apparatus;

25   a communicator configured to communicate data with the apparatus; a detector

26   configured to detect whether the communication apparatus and the apparatus are

27   connected; an editor configured to select certain data to be transferred and to edit the

28   management information based on the selection without regard to the connection of the

communication apparatus and the apparatus; and a controller configured to control transfer of the selected data stored in the communication apparatus to the apparatus via the communicator based on the management information edited by the editor when the detector detects that the communication apparatus and the apparatus are connected, wherein the controller is configured to compare the management information edited by the editor with management information of data stored in the apparatus, determine a size of the selected data in the communication apparatus, and transmit data in the communication apparatus based on result of the comparison and the determination. For example, Citrix explains to customers the benefits of using the Accused Instrumentalities, such as by touting their advantages: "[A]ccess and share all your files and documents in a few simple clicks," "Skip the messy data migration and get secure access to files and folders stored on legacy data systems, with 3rd party servicers or anywhere else. ShareFile gives users a single, secure point of access to all data, regardless of environment or endpoint." https://www.sharefile.com/features. Citrix also induces its customers to use the Accused Instrumentalities to infringe other claims of the '751 Patent. Citrix specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '751 Patent. Citrix performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '751 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Citrix engaged in such inducement to promote the sales of the Accused Instrumentalities, *e.g.,* through Citrix's user manuals, product support, marketing materials, demonstrations, installation support, and training materials to actively induce the users of the accused products to infringe the '751 Patent. Accordingly, Citrix has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '751 Patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in

infringement of the '751 Patent. Accordingly, Citrix has been (since at least as of filing of the original complaint), and currently is, inducing infringement of the '751 Patent, in violation of 35 U.S.C. § 271(b).
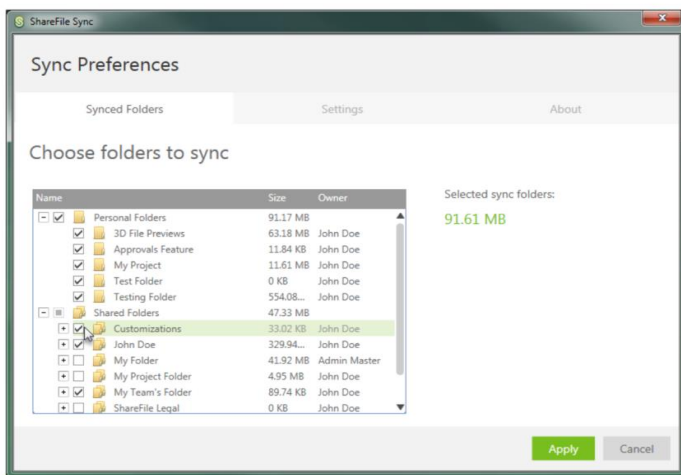
66. Citrix has also infringed, and continues to infringe, claims of the '751 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Instrumentalities, which are used in practicing the process, or using the systems, of the '751 patent, and constitute a material part of the invention. Citrix knows the components in the Accused Instrumentalities to be especially made or especially adapted for use in infringement of the '751 patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. For example, the ordinary way of using the Accused Instrumentalities infringes the patent claims, and as such, is especially adapted for use in infringement. Accordingly, Citrix has been, and currently is, contributorily infringing the '751 patent, in violation of 35 U.S.C. § 271(c).

66. The Accused Instrumentalities include "[a] communication apparatus configured to transmit data to an apparatus, the communication apparatus comprising: a hardware storage medium configured to store management information of data to be transferred to the apparatus." For example, the Accused Instrumentalities include a communication apparatus (e.g., clients such as, mobile devices, native desktop client, virtual desktop) comprising a hardware storage medium (e.g., Flash Drive, Hard Drive, etc.) configured to transmit data to StorageZones (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives). (See figure below). https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf.

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Figure 3. StorageZone Connector architecture

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10 https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

11 sharefile-enterprise-a-technical-overview.pdf. As another example, the Accused

12 Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced

13 Folders tab, use the checkboxes to designate which folders to sync. Click Apply to

14 save your changes." https://support.citrix.com/article/CTX207683?recommended). In

15 this regard, the Accused Instrumentalities include ShareFile Sync tool that store

16 management information of the selected files and folders to be transferred to the

17 StorageZones (e.g., see figure below).

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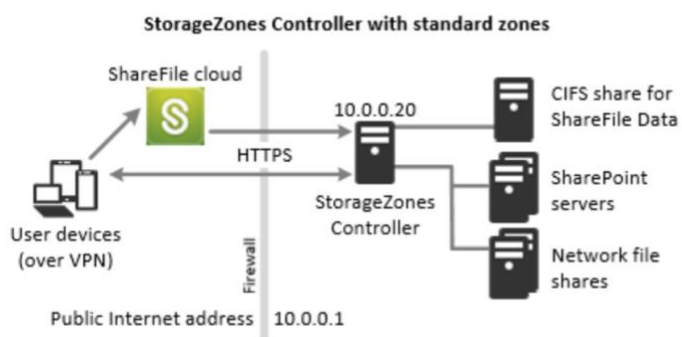26 https://support.citrix.com/article/CTX207683?recommended.

27   67.   The Accused Instrumentalities include "a communicator configured to

28 communicate data with the apparatus." For example, the Accused Instrumentalities

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disclose "[F]iles are transferred through ShareFile over a secure SSL/TLS connection

and are stored at rest with AES 256-bit encryption."

https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf. (e.g.,

Data/File Transfer between Clients and Customer Datacenter in the figure below).

Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

sharefile-enterprise-a-technical-overview.pdf.   As another example, the Accused

Instrumentalities also provide a communicator utilizing HTTPS communication

methods to communicate between "User devices" and "StorageZones Controller."
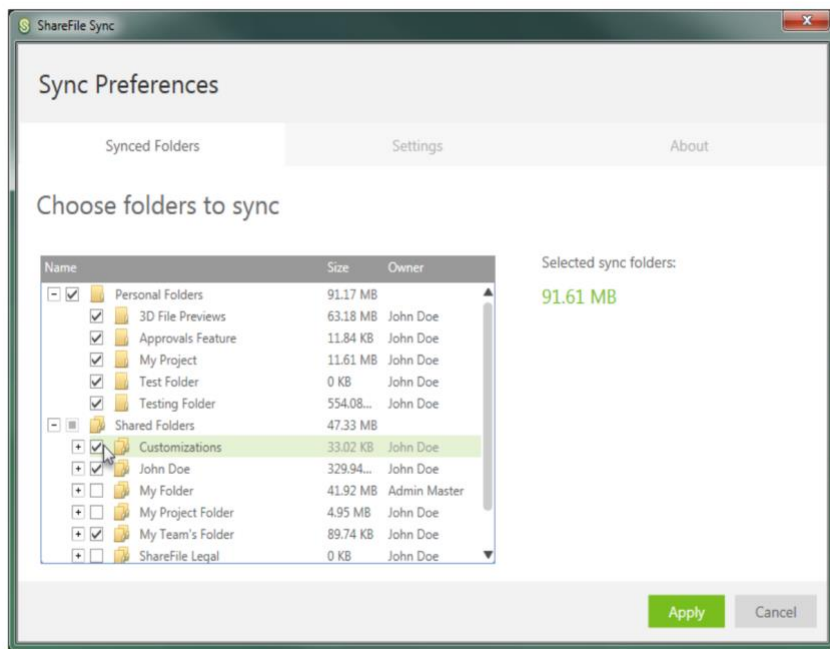
(e.g., See the figure below).

https://docs.citrix.com/en-us/storagezones-controller/5-0/architecture-overview.html

    68.   The Accused Instrumentalities include "a detector configured to detect

whether the communication apparatus and the apparatus are connected." For example,

the Accused Instrumentalities include a detector configured to detect whether network connectivity is down. For example, the Accused Instrumentalities disclose that "[I]f internet connectivity is lost, uploads will be retried automatically when connectivity is restored." https://support.citrix.com/article/CTX226351.

69.   The Accused Instrumentalities include "an editor configured to select certain data to be transferred and to edit the management information based on the selection without regard to the connection of the communication apparatus and the apparatus." For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended). In this regard, the Accused Instrumentalities include ShareFile Sync tool that edits management information about the selected folders' structure to be transferred (e.g., see figure below).

https://support.citrix.com/article/CTX207683?recommended. Moreover, the Accused Instrumentalities are able to edit information about the synchronized folders' structure even when internet connection is unavailable. For example, the Accused

Instrumentalities disclose "[W]hen you delete a file from your sync location, it is moved to the local Recycle Bin of your PC." https://support.citrix.com/article/CTX207683?recommended. The Accused Instrumentalities also disclose that "[I]f you share a sync location with another user and you delete a file, the file will be moved to the local Recycle Bin of your PC and the local Recycle Bin of any user currently synced to that location." https://support.citrix.com/article/CTX207683?recommended. As another example, the Accused Instrumentalities disclose that "[I]f internet connectivity is lost, uploads will be retried automatically when connectivity is restored." https://support.citrix.com/article/CTX226351.

70. The Accused Instrumentalities includes "a controller configured to control transfer of the selected data stored in the communication apparatus to the apparatus via the communicator based on the management information edited by the editor when the detector detects that the communication apparatus and the apparatus are connected." For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended). In this regard, the Accused Instrumentalities include ShareFile Sync tool that controls the transfer of the selected folders (e.g., see figure below).
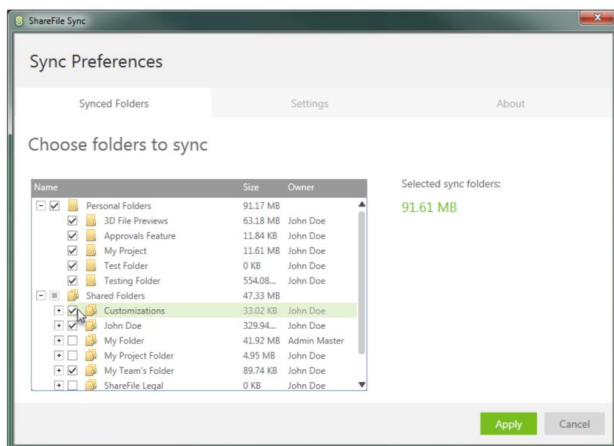
1 https://support.citrix.com/article/CTX207683?recommended. As another example, the

2 Accused Instrumentalities disclose "[F]iles are transferred through ShareFile over a

3 secure SSL/TLS connection and are stored at rest with AES 256-bit encryption."

4 https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf.   (e.g.,

5 Data/File Transfer between Clients and Customer Datacenter in the figure below).

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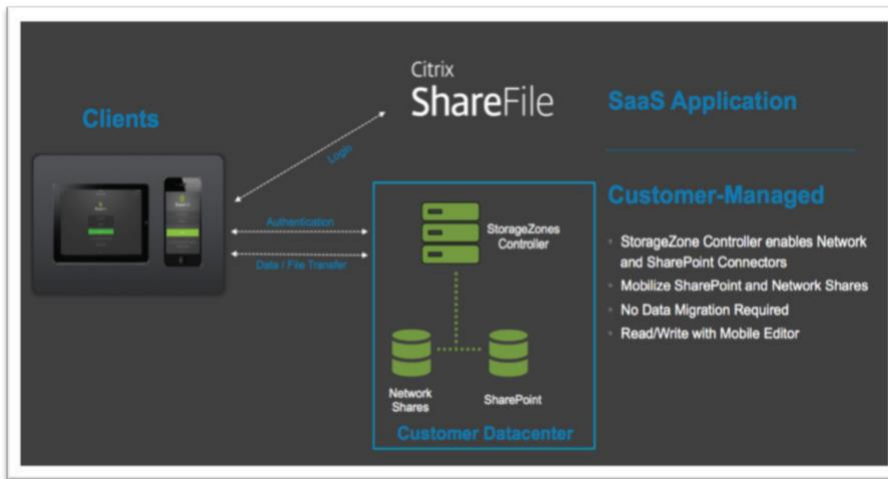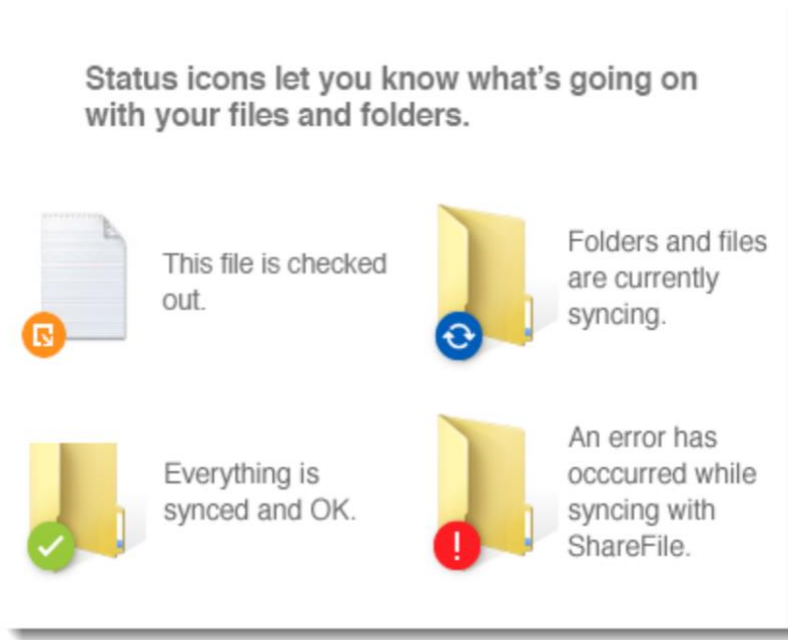

Figure 3. StorageZone Connector architecture

15 https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

16 sharefile-enterprise-a-technical-overview.pdf.   Moreover,   the   Accused

17 Instrumentalities detect whether client devices and StorageZones datacenters are

18 connected.   As such, the Accused Instrumentalities disclose that "[I]f internet

19 connectivity is lost, uploads will be retried automatically when connectivity is

20 restored." https://support.citrix.com/article/CTX226351.

21   71.   The Accused Instrumentalities further includes a controller configured to

22 "compare the management information edited by the editor with management

23 information of data stored in the apparatus."   For example, the Accused

24 Instrumentalities provide folders and files synchronization status indicators. As such,

25 synchronization status indicators may indicate whether folders or files are synced or in

26 the process of syncing (e.g., "You can view currently syncing and synced files, currently

27 checked   out   files,   start   or   pause   the   Sync   process…   ."

28 https://support.citrix.com/article/CTX207683?recommended and figure below).

Status icons let you know what's going on with your files and folders.

This file is checked out.

Folders and files are currently syncing.

Everything is synced and OK.

An error has occcured while syncing with ShareFile.

https://support.citrix.com/article/CTX234889.

72.   The Accused Instrumentalities further include a controller configured to "determine a size of the selected data in the communication apparatus." For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to   save   your   changes." https://support.citrix.com/article/CTX207683?recommended).   In this regard, the Accused Instrumentalities include ShareFile Sync tool that determines the total size of the selected files and folders (e.g., 91.61 MB, see figure below).

https://support.citrix.com/article/CTX207683?recommended.
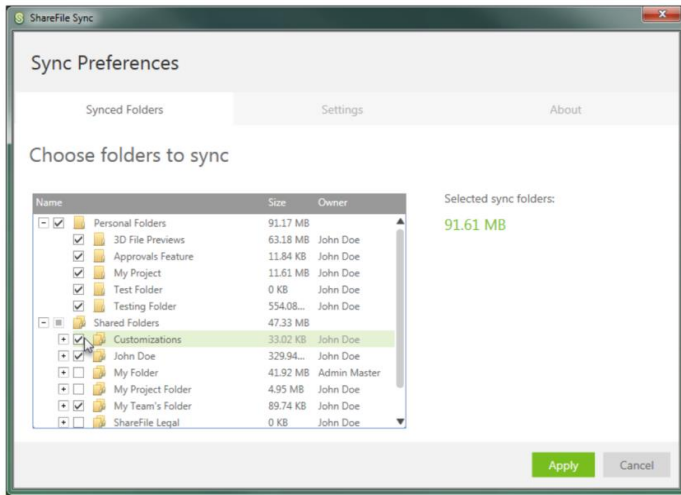
73.   The Accused Instrumentalities further includes a controller configured to "transmit data in the communication apparatus based on result of the comparison and the determination."   For example, the Accused Instrumentalities provide folders and files synchronization status indicators. As such, synchronization status indicators may indicate whether folders or files are synced or in the process of syncing (e.g., "You can view currently syncing and synced files, currently checked out files, start or pause the Sync process… ."   https://support.citrix.com/article/CTX207683?recommended and figure below).
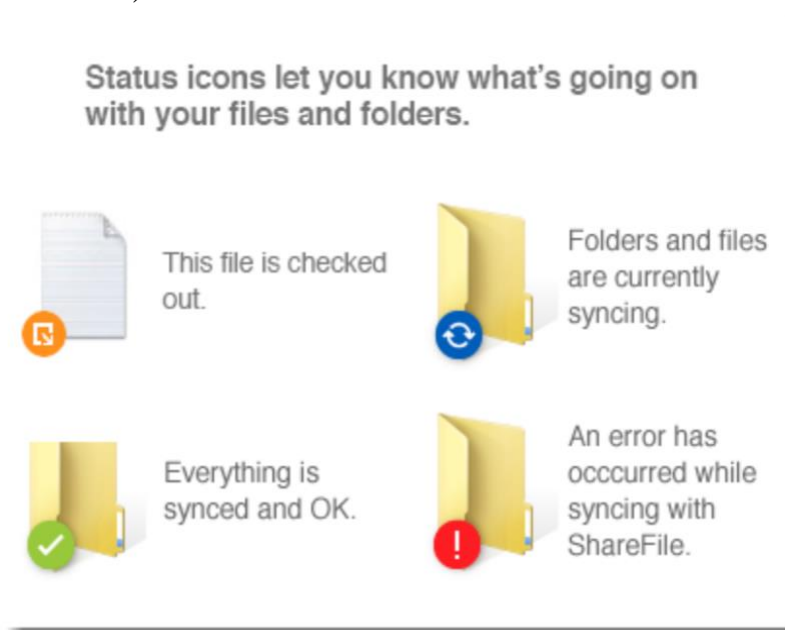
1 https://support.citrix.com/article/CTX234889.

2 74.   Citrix also infringes other claims of the '751 Patent, directly and through

3 inducing infringement and contributory infringement.

4 75.   By making, using, offering for sale, selling and/or importing into the

5 United States the Accused Instrumentalities, and touting the benefits of using the

6 Accused Instrumentalities' accused features, Citrix has injured Data Scape and is liable

7 to Data Scape for infringement of the '751 Patent pursuant to 35 U.S.C. § 271.

8 76.   As a result of Citrix's infringement of the '751 Patent, Plaintiff Data Scape

9 is entitled to monetary damages in an amount adequate to compensate for Citrix's

10 infringement, but in no event less than a reasonable royalty for the use made of the

11 invention by Citrix, together with interest and costs as fixed by the Court.

12 **COUNT V**

13 **INFRINGEMENT OF U.S. PATENT NO. 9,715,893**

14 77.   Plaintiff realleges and incorporates by reference the foregoing paragraphs,

15 as if fully set forth herein. Data Scape is the owner by assignment of United States

16 Patent No. 9,715,893 ("the '893 Patent") entitled "Recording apparatus, server

17 apparatus, recording method, program and storage medium." The '893 Patent was duly

18 and legally issued by the United States Patent and Trademark Office on Jul. 25, 2017.

19 A true and correct copy of the '893 Patent is included as Exhibit E.

20 78.   On information and belief, Citrix has offered for sale, sold and/or imported

21 into the United States Citrix products and services that infringe the '893 patent, and

22 continues to do so. By way of illustrative example, these infringing products and

23 services include, without limitation, Citrix's products and services, *e.g.*, ShareFile,

24 Citrix Content Collaboration, and Citrix Workspace, and all versions and variations

25 thereof since the issuance of the '893 Patent ("Accused Instrumentalities").

26 79.   On information and belief, Citrix has directly infringed and continues to

27 infringe the '893 Patent, for example, by making, selling, offering for sale, and/or

28 importing the Accused Instrumentalities, and through its own use and testing of the

1   Accused Instrumentalities, which constitute an information processing apparatus of
2   Claim 32 of the '893 Patent comprising: circuitry configured to automatically read first
3   management data from a first storage medium, the first management data identifying
4   files of source data recorded on the first storage medium, automatically identifying one
5   of the files of source data based on the first management data and second management
6   data, the second management data identifying files of transferred data stored on a
7   second storage medium, the one of the files of source data being absent from the second
8   storage medium, automatically transfer the one of the files of source data to the second
9   storage medium, the one of the files of the source data being transferred becoming one
10 of the files of transferred data, and automatically output transferring status of the one of
11 the files of source data by a symbolic figure. Upon information and belief, Citrix uses
12 the Accused Instrumentalities, which are infringing systems, for its own internal non-
13 testing business purposes, while testing the Accused Instrumentalities, and while
14 providing technical support and repair services for the Accused Instrumentalities to
15 Citrix's customers.

16   80.   On information and belief, Citrix has had knowledge of the '893 Patent
17 since at least the filing of the original Complaint in this action, or shortly thereafter, and
18 on information and belief, Citrix knew of the '893 Patent and knew of its infringement,
19 including by way of this lawsuit. By the time of trial, Citrix will have known and
20 intended (since receiving such notice) that their continued actions would actively induce
21 and contribute to the infringement of the claims of the '893 Patent.

22   81.   On information and belief, use of the Accused Instrumentalities in their
23 ordinary and customary fashion results in infringement of the claims of the '893 Patent.

24   82.   Citrix's affirmative acts of making, using, selling, offering for sale, and/or
25 importing the Accused Instrumentalities have induced and continue to induce users of
26 the Accused Instrumentalities to use the Accused Instrumentalities in their normal and
27 customary way to infringe the claims of the '893 Patent, knowing that when the Accused
28 Instrumentalities are used in their ordinary and customary manner, such systems

constitute an infringing information processing apparatus comprising: circuitry configured to automatically read first management data from a first storage medium, the first management data identifying files of source data recorded on the first storage medium, automatically identifying one of the files of source data based on the first management data and second management data, the second management data identifying files of transferred data stored on a second storage medium, the one of the files of source data being absent from the second storage medium, automatically transfer the one of the files of source data to the second storage medium, the one of the files of the source data being transferred becoming one of the files of transferred data, and automatically output transferring status of the one of the files of source data by a symbolic figure. For example, Citrix explains to customers the benefits of using the Accused Instrumentalities, such as by touting their advantages: "Access and share all your files and documents in a few simple clicks," "Skip the messy data migration and get secure access to files and folders stored on legacy data systems, with 3rd party servicers or anywhere else. ShareFile gives users a single, secure point of access to all data, regardless of environment or endpoint."   https://www.sharefile.com/features. Citrix also induces its customers to use the Accused Instrumentalities to infringe other claims of the '893 Patent. Citrix specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '893 Patent. Citrix performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '893 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Citrix engaged in such inducement to promote the sales of the Accused Instrumentalities, *e.g.,* through Citrix's user manuals, product support, marketing materials, demonstrations, installation support, and training materials to actively induce the users of the accused products to infringe the '893 Patent. Accordingly, Citrix has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way

1   with compatible systems to make and/or use systems infringing the '893 Patent,

2   knowing that such use of the Accused Instrumentalities with compatible systems will

3   result in infringement of the '893 Patent. Accordingly, Citrix has been (since at least as

4   of filing of the original complaint), and currently is, inducing infringement of the '893

5   Patent, in violation of 35 U.S.C. § 271(b).

6   83.   Citrix has also infringed, and continues to infringe, claims of the '893

7   patent by offering to commercially distribute, commercially distributing, making,

8   and/or importing the Accused Instrumentalities, which are used in practicing the

9   process, or using the systems, of the '893 patent, and constitute a material part of the

10 invention. Citrix knows the components in the Accused Instrumentalities to be

11 especially made or especially adapted for use in infringement of the '893 patent, not a

12 staple article, and not a commodity of commerce suitable for substantial noninfringing

13 use. For example, the ordinary way of using the Accused Instrumentalities infringes

14 the patent claims, and as such, is especially adapted for use in infringement.

15 Accordingly, Citrix has been, and currently is, contributorily infringing the '893

16 patent, in violation of 35 U.S.C. § 271(c).

17   84.   The Accused Instrumentalities include "[a]n information processing

18 apparatus, comprising: circuitry configured to automatically read first management

19 data from a first storage medium, the first management data identifying files of source

20 data recorded on the first storage medium." For example, the Accused

21 Instrumentalities include an information processing apparatus (e.g., Clients, such as

22 e.g., mobile devices, native desktop client, virtual) having a first storage medium

23 communicating with StorageZones having a second storage medium (e.g., Microsoft

24 Azure or Citrix S3 cloud storage, network drives).
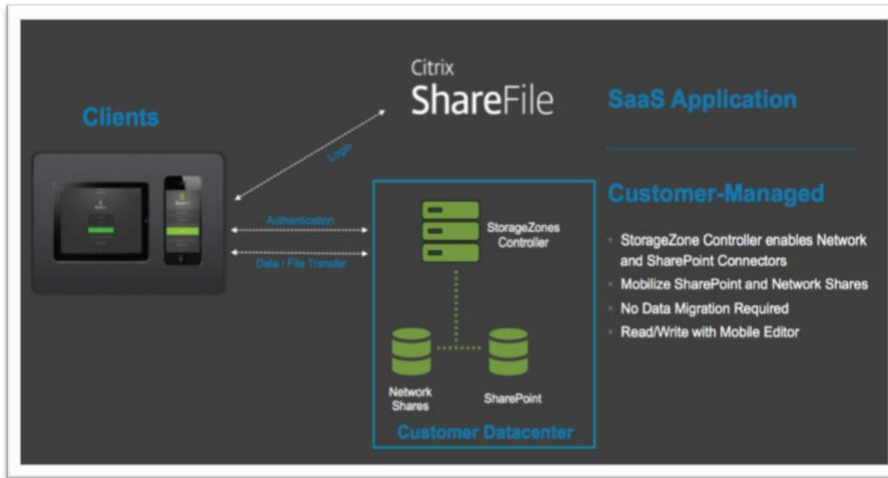
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Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf. As another example, the Accused Instrumentalities read first management data listing files and folders stored on the first storage medium. (e.g., "Users with appropriate access will see a connected SharePoint library or network file share in the ShareFile client interface under Folders.").
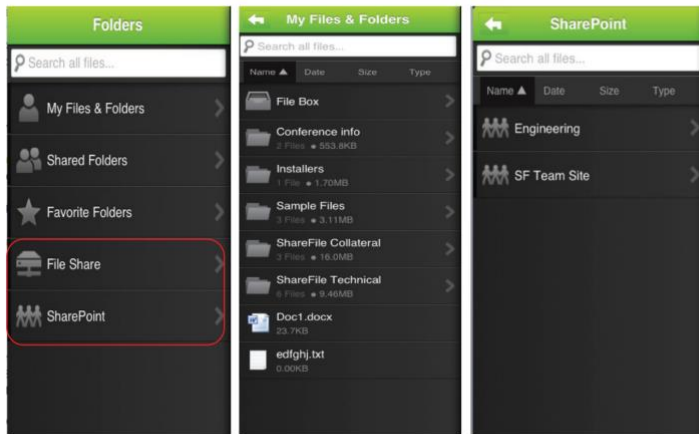

Figure 3. Folder structure in the ShareFile mobile client interface

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf. As another example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync.

Click Apply to save your changes."

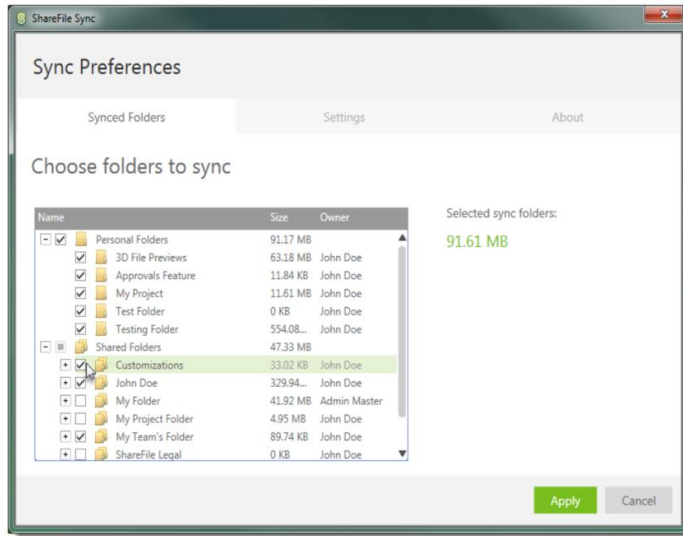https://support.citrix.com/article/CTX207683?recommended). In this regard, the Accused Instrumentalities include ShareFile Sync tool that reads first management data identifying files and folders recorded on the first storage medium included in the client devices (e.g., see figure below).

https://support.citrix.com/article/CTX207683?recommended.
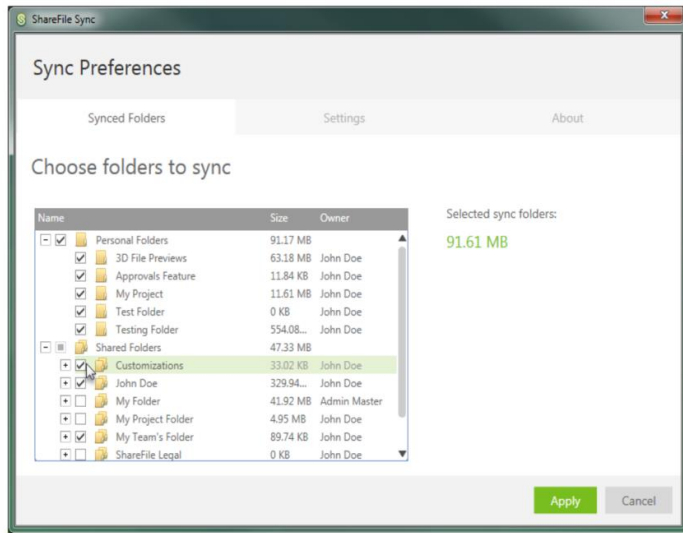
85.   The   Accused   Instrumentalities   include   circuitry   configured   to "automatically identifying one of the files of source data based on the first management data and second management data, the second management data identifying files of transferred data stored on a second storage medium, the one of the files of source data being absent from the second storage medium."   For example, the Accused Instrumentalities provide folders and files synchronization status indicators. As such, synchronization status indicators may indicate whether folders or files are synced or in the process of syncing (e.g., "You can view currently syncing and synced files, currently checked   out   files,   start   or   pause   the   Sync   process…   ." https://support.citrix.com/article/CTX207683?recommended and figure below).

Status icons let you know what's going on with your files and folders.

This file is checked out.

Folders and files are currently syncing.

Everything is synced and OK.

An error has occcurred while syncing with ShareFile.

https://support.citrix.com/article/CTX234889.

86.   The Accused Instrumentalities further include circuitry configured to "automatically transfer the one of the files of source data to the second storage medium, the one of the files of the source data being transferred becoming one of the files of transferred data." For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes." https://support.citrix.com/article/CTX207683?recommended).   In this regard, the Accused Instrumentalities include ShareFile Sync tool that stores information about the selected files and folders to be automatically transferred to the second storage medium (e.g., see figure below).

https://support.citrix.com/article/CTX207683?recommended. As another example, the synchronization process transfers files and folders from the client devices to datacenters controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives). (e.g., See figure below).
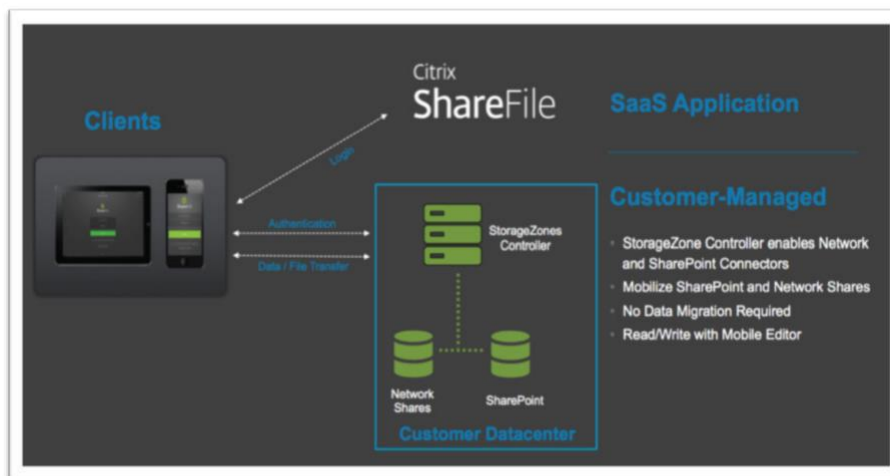

Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf.

87.   The Accused Instrumentalities further include circuitry configured to "automatically output transferring status of the one of the files of source data by a symbolic figure." For example, the synchronization process transfers files and folders

1 from the client devices to datacenters controlled by (e.g., Microsoft Azure or Citrix S3

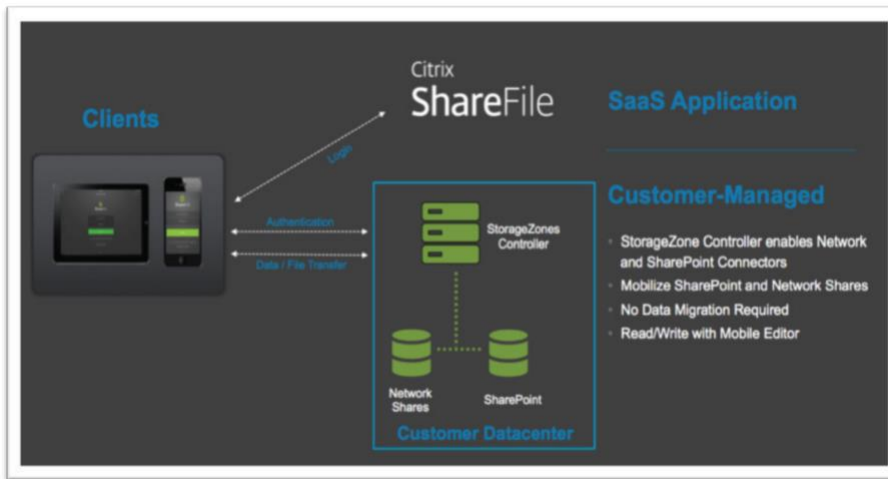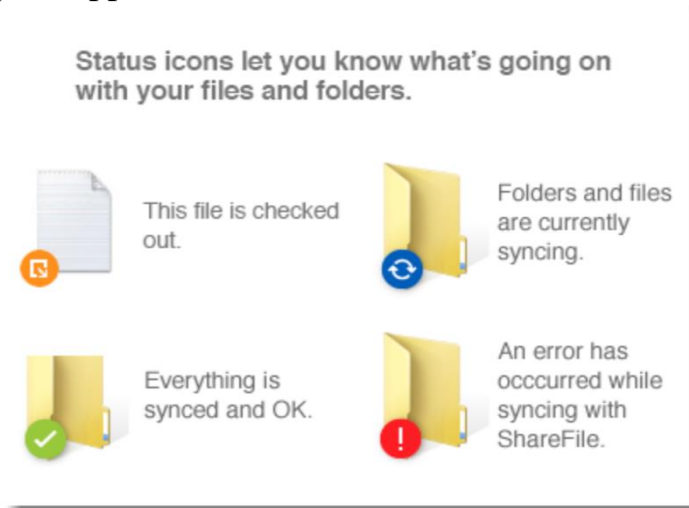2 cloud storage, network drives). (e.g., See figure below).

3

Figure 3. StorageZone Connector architecture

12 https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-

13 sharefile-enterprise-a-technical-overview.pdf.   As another example, the Accused

14 Instrumentalities provide folders and files synchronization status indicators. As such,

15 synchronization status indicators may indicate whether folders or files are synced or in

16 the process of syncing (e.g., "You can view currently syncing and synced files, currently

17 checked   out   files,   start   or   pause   the   Sync   process…   ."

18 https://support.citrix.com/article/CTX207683?recommended and figure below).

28 https://support.citrix.com/article/CTX234889.

88. Citrix also infringes other claims of the '893 Patent, directly and through inducing infringement and contributory infringement.

89. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' accused features, Citrix has injured Data Scape and is liable to Data Scape for infringement of the '893 Patent pursuant to 35 U.S.C. § 271.

90. As a result of Citrix's infringement of the '893 Patent, Plaintiff Data Scape is entitled to monetary damages in an amount adequate to compensate for Citrix's infringement, but in no event less than a reasonable royalty for the use made of the invention by Citrix, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Data Scape respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Defendant has infringed, literally and/or under the doctrine of equivalents the '929 Patent, '537 Patent, '581 Patent, '751Patent, '893 Patent (the "asserted patents");

b. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for its infringement of the asserted patents, as provided under 35 U.S.C. § 284;

c. A judgment and order requiring Defendant to provide an accounting and to pay supplemental damages to Data Scape, including without limitation, prejudgment and post-judgment interest;

d. A permanent injunction prohibiting Defendant from further acts of infringement of the asserted patents;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Citrix Systems; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

Dated: December 26, 2018

/s/ Reza Mirzaie
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